

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

NATIONAL INFUSION CENTER
ASSOCIATION, on behalf of itself and its
members; GLOBAL COLON CANCER
ASSOCIATION, on behalf of itself and its
members; and PHARMACEUTICAL RESEARCH
AND MANUFACTURERS OF AMERICA, on
behalf of itself and its members,

Plaintiffs,

vs.

XAVIER BECERRA, in his official capacity as
Secretary of the U.S. Department of Health and
Human Services, *et al.*,

Defendants.

Civil Action No. 1:23-cv-00707-DAE

**PLAINTIFFS' MOTION FOR LEAVE TO FILE THEIR
RESPONSE TO DEFENDANTS' NOTICE OF SUPPLEMENTAL AUTHORITY**

Pursuant to Rule CV-7(B) and (E)(1) of the Local Rules of the Western District of Texas, Plaintiffs National Infusion Center Association, Global Colon Cancer Association, and Pharmaceutical Research and Manufacturers of America, each on behalf of itself and its members, (together, "Plaintiffs") file this motion for leave to file the attached Plaintiffs' response to Defendants' Notice of Supplemental Authority.

On November 2, 2023, Defendants filed a Notice of Supplemental Authority, ECF No. 50, in support of their Motion to Dismiss, ECF No. 39. Among other issues, the Notice of Supplemental Authority ignores Plaintiffs' primary standing argument and inaccurately describes the relevant inquiry with respect to standing. Given that the parties have already filed the

documents contemplated by Rule CV-7, Plaintiffs respectfully request leave to file a very brief response, attached hereto as Exhibit A, to Defendants' Notice of Supplemental Authority.

Dated: November 7, 2023

Respectfully submitted,

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